UNITED
NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

PRI

Distr.
GENERAL

CERD/C/247/Add.1
11 April 1995

Original: ENGLISH

TY

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-sixth session

DOCUMENTS SUBMITTED IN COMPLIANCE WITH A SPECIAL EDITION OF THE COMMITTEE*

BOSNIA AND HERZEGOVINA

[20 January 1995]

1. In the course of the aggression against the independent, sovereign and internationally recognized Republic of Bosnia and Herzegovina, the aggressor has committed numerous violations of human rights and freedoms based on national affiliation, which, according to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, constitutes an essential element of racial discrimination as a criminal act determined by the Convention.

2. During the aggression, the aggressor has committed numerous criminal acts containing the elements of racial discrimination against a nation, mostly against the Muslims, such as: killings, torture, inhuman treatment, inflicting great sufferings, injuries to physical integrity or health, forcible displacement, conversion to other religion, forcing to prostitution, application of measures of intimidation and terror, taking hostages, confining

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* In its concluding observations adopted at the forty-third session on 20 August 1993, the Committee requested further information from the State party on measures taken to implement the provisions of the Convention. On 15 August 1994, the Committee, noting that the requested information had not yet been received, reiterated its request. The present document is submitted in accordance with that request.

to concentration camps and other illegal forms of detention, forcing to serve the enemy's army, starving the population out, looting of property, destruction of towns and other settlements, etc.

3. The present information will point out the most striking forms of violations of human rights in the aggression against the Republic of Bosnia and Herzegovina, by which the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 have been violated.

I. FORMS OF VIOLATIONS OF FUNDAMENTAL HUMAN RIGHTS

A. Forcible displacement

4. The most frequent form of violation of human rights in the aggression against the Republic of Bosnia and Herzegovina is forcible displacement, which has brought about the eviction of more than 1 million civilians (or one fourth of the population of the Republic of Bosnia and Herzegovina) from their homes.

5. Forcible displacement has been carried out in particular by the Bosnian Serb side following the principal objective of the aggression - creation of ethnically pure Serb territories. In realizing this objective, the Serbs used special technology such as several day-long attacks with heavy and light artillery, confinement in concentration camps, arbitrary arrests, questioning and maltreatment, etc. All these methods have forced non-Serbs who live under the control of the Serb authorities to flee, and, on leaving their place of residence, non-Serbs have been forced to sign statements that they leave that territory on a voluntary basis, relinquishing all their property to the benefit of the Serb authorities. The most characteristic examples of the described Serb model of the fascist technology are: Prijedor, Banja Luka, Višegrad, Poča, Rogatica, Vlasenica, Zvornik, Bijeljina, Bosanski Novi, Donji Vakuf, Jajee, etc. Before the aggression, Muslims made up 50 per cent of the population in Prijedor (according to the 1991 census), while today there is not a single Bosniak Muslim left there; in other words, over 50,000 of the inhabitants have been forcibly displaced.

6. In Banja Luka, where Muslims and Croats made up 14.9 per cent and 14.6 per cent of the population respectively, i.e. 30 per cent of the population were non-Serbs, nowadays there are but few Bosniaks and Croats, meaning that some 60,000 of them have been forcibly banished by means of different methods (first they were forbidden to go to their work, and then they were sacked). They described their life in that town as "the life of rats" because they had to hide, they were not allowed to leave their apartments, their shops were destroyed, and they were frequently intimidated by shooting.

7. A similar Serb scenario has been applied in other Serb-occupied areas, where there are no more Bosniaks and Croats either in the towns or in border areas.

B. Arbitrary executions

8. Arbitrary executions are one of the frequent forms of violations of human rights, mostly perpetrated by the Serbian forces after occupation i.e. placement of a particular settlement under their control, substantiated, among other things, by a great many massive graves, about 70 of them alone in the territory of Bosnia and Herzegovina.

9. According to the information so far, the largest sites of mass graves where monstrous crimes against the civilian population have been committed by the Serb fascists are located in places such as the municipalities of Kotor Varoš, Prijedor, Višegrad, Vlasenica, Zvornik, Brčko, Sanski Most; the rivers Drina, Sana and Sava, as well as other locations.

10. At the place of execution, Luka in Brčko, the Serb fascists burnt 67 civilians in only one house, while in the settlement of Bikavac, in the house of Mebo Ajić, 72 civilians, mostly women and children were burnt. In the area of Kalinovik (a place called Repina), on 5 August 1992, the aggressor executed by firing squad 23 men; petrol was poured over their dead bodies, then they were burnt in a stable.

11. In the mine Tomašica (Prijedor municipality) the most hideous crime against civilians was committed: over 5,000 Muslims were burnt in a furnace, while the members of the so-called Serb militia executed members of 36 Bašić and Horozović families in the village Zecovi near Prijedor in only one day.

12. The members of the Serb fascist forces performed hideous executions on Mount Vlašić where 200 men were killed at their release from detention camps.

13. Numerous arbitrary executions have also been committed in concentration camps as well, but this will be discussed in a special section.

14. The Croatian aggressor also committed numerous mass executions of civilians, i.e. Muslims. In this regard, crimes committed in Stupski Do (about 80 executed) and Ahimići (101 victims) are the most striking examples.

C. Attacks on civilian targets

15. As part of the aggression against the Republic of Bosnia and Herzegovina, Serbs have been continuously attacking civilian targets, which is done in several ways, first of all by means of siege, thus creating hard, in other words, unbearable living conditions, that way frequently forcing the population to move out since their vital existing conditions, such as food, water, electricity and heating, have been jeopardized. With a view to starving the population, i.e. civilians, out, humanitarian aid deliveries as well as other forms of transport of food and other items for civilians have been constantly hindered.

16. The form of warfare through sieges has been particularly drastic in Sarajevo, which has been under siege for some 1,000 days, exceeding all other known sieges in the history of warfare. In this special kind of concentration camp, the largest in the world, diseases transmitted by water have appeared (hepatitis, abdominal typhus and gastroenteritis), there is no public

transport for civilians in the city (if there is, then Serbs either shell or snipe at transport vehicles), fuel and energy supply is under the minimum. Groups of civilians queuing for water or humanitarian aid or attending funerals have been daily targets of sniper attacks and shellings.

17. All kinds of civilian objects in towns and settlements have been exposed to attacks by the Serbs. Numerous industrial, cultural, health, educational, sacral and other facilities have been destroyed to such an extent that many of them will never be able to perform their functions again.

18. The aggression against Bosnia and Herzegovina, due to the enormous violations of fundamental human rights against civilians, is rightfully called the war against civilians, and the ratio of civilians to combatants killed is approximately 8:2.

D. Rape

19. A particular kind of human rights violation, unprecedented in the history of mankind, is mass and systematic rape, particularly of Muslim women of all ages (from six years old to elderly women). Many of the raped women have been killed, while those who were the youngest among them have not survived this cruel act. It would take too much space to list the most atrocious rapes, but for the sake of illustration we shall mention some of them: in the camp of Manjača several seven-year-old girls were raped in front of their parents and not one of the victims survived. In the Vilina Vlas Hotel in occupied Višegrad, among others, 200 girls were raped, 5 of them committed suicide afterwards, 6 of them escaped, while the rest of them were killed. Frequently, rapes were committed by several criminals until the victim passed away (Mahmuljin Avdija was raped by 42 criminals).

20. Exact data gathered so far indicate the fact that between 25,000 and 30,000 Muslim women of all ages have been victims of this hideous crime. Unfortunately, data are still incomplete, because this act is of an extremely intimate and sensitive nature, so that many victims are too embarrassed to testify.

21. Methods of rape, i.e. technologies, are such that they are probably unprecedented in history. Serb soldiers raped women and girls in their homes in front of the families and husbands. In some cases, women and children were gathered in special premises (schools, sports centres and the like) where they were raped and tortured for days or weeks, and killed afterwards. Rapes were committed both by individuals and by groups. Many women testified that they had been raped by several men, who took turns.

22. Rapes were accompanied by different additional forms of psychological torture: victims were regularly forced to swallow sperm, some of the victims were raped by many criminals (some of them over 300 times), criminal violence frequently took place in the presence of the family members of the victim, victims were killed after rape, while most of the raped girls of seven years of age (who were always raped in the presence of their parents) passed away afterwards.

E. Conversion to other religions

23. One of the fundamental rights of man, the right to practise one's own religion, is enormously violated by the Serbs and Croats in the aggression against the Republic of Bosnia and Herzegovina. Apart from destruction of sacral objects of the Islamic community (some 1,200 mosques), the aggressor carried out forcible conversion to Christianity of Muslim captives and detainees. As a matter of fact, this has been an integral part of the genocide of the Bosniaks who, besides their physical liquidation, were to be deprived of their cultural heritage by destroying it.

F. Violations of human rights in concentration camps

24. With the view to creating ethnically pure Serb territories and to eradicating non-Serb populations, the aggressor and his accomplices established a great many concentration camps, collective centres and prisons for torture and liquidation of civilian populations in many municipalities where Bosniaks and Croats were a majority.

25. The Serb aggressor, according to the available data, established over 200 concentration camps in Bosnia and Herzegovina (15 in Serbia and Montenegro, and 3 in Croatia). In addition to this, many towns, such as Sarajevo, Goražde, Srebrenica, Žepa, etc., held in the aggressor encirclement and barbarically destroyed, represent a special kind of concentration camp, where a great number of civilians are confined. Approximately 260,000 people have passed through concentration camps while, according to the available data, some 130,000 civilians, mostly Bosniaks are detained.

26. In the camps, criminals are carrying out mass liquidation of the Muslim population with all kinds of small arms, and by means of individual killings with blunt objects and other similar kinds of weapons. The aggressor has been torturing detainees on a daily basis, molesting them and beating them with batons, wood and iron bars, brass knuckles, chains and whips with balls at the top, particularly in the areas of the head, kidneys, spine and testicles.

27. Serious physical and mental injuries have caused many of the victims to remain permanently mental and physical invalids. Different kinds of crippling and mutilation of detainees take place, such as fracture of bones, forcible blood transfusion until the victims die, cutting off limbs and sexual organs, extraction of eyeballs and teeth, forced to mutual killings (father-child, child-father; parents forced to swallow their children's blood, slaughtering with chain-saw, etc.).

28. It should be underlined that in the territory of the so-called Croatian Community of Herceg-Bosna, the Croatian aggressor established several camps for Bosniaks, mostly civilians. In these camps, detainees were exposed to the most brutal methods of extermination, physical and psychological maltreatment and starvation. Apart from that, many of them were used as live barriers on the front lines of combat, particularly in Mostar. Croatian fascists applied the following methods of maltreatment of camp detainees: treading over detainees, beating them with handles, forcing detainees to look at the sun for hours without closing their eyes, making them dive on their heads from the

height of over one metre onto concrete ground, making them pull out thorns with their bare hands, tying tank mines on their backs and activating these bombs when they get close to the combat lines, etc.

G. Other forms of violations of human rights

29. Besides the above-mentioned, other forms of violations of human rights have been committed against Bosniaks such as massive looting of villages and other occupied settlements, physical mutilations, castrating, taking hostages, humanitarian aid obstructions and assaults on humanitarian personnel and assaults on medical staff. Particular place should be awarded to the siege of towns (especially Sarajevo) with the view to creating unbearable living conditions, thus forcing the population to move out.

II. VIOLATION OF RULES OF INTERNATIONAL LAWS OF WAR

30. During the aggression against the Republic of Bosnia and Herzegovina, the rules of international war law were massively violated, most frequently on a national basis, which is one manifestation of discrimination. As proof of that, there could be mentioned massive killing of civilians and non-combatant persons, forcible displacement, assassination, detention in concentration camps and prisons, forcible deportation, disappearances, taking hostages, mistreatment during imprisonment, attacks against medical and humanitarian personnel and vehicles, attacks against reporters, plunder and seizure of property, denial of medical assistance to wounded prisoners of war, human shields, starvation of civilian population, denial of use of water and fuels, etc. Further, in the cities and other settlements, the aggressor is shelling buildings where food is being cooked or stored (bakeries, dairies, distributing centre, etc.).

III. CRIMINAL ACTS AGAINST HUMANITY AND INTERNATIONAL LAW

31. During the aggression against the Republic of Bosnia and Herzegovina numerous criminal acts against humanity and international law have been committed. Those are mostly perpetrated by Serbs against Bosniaks, i.e. on a national basis, which represents an element of racial discrimination. Among the crimes committed in that domain, it ought particularly to be emphasized, is the committing of genocide by the aggressor, the cruellest criminal act in the domain of criminal acts against humanity and international law. A fundamental element of the criminal act of genocide is the intention to fully or partially eliminate national, ethnic, racial and religious groups. By eradicating the Bosniaks, the aggressor intended to destroy Bosnia and Herzegovina, being the Bosniak's only homeland, and in that way there would be no obstacles to accomplishment of the Serbian State project of Greater Serbia.

32. The acts of genocide are very different: killing, wounding, destroying the physical and mental health of Bosniaks, massive forcible displacement of more than half the population which has been expelled from their homes and is residing at the moment in about 120 countries around the world. The Bosniaks as a group were made to endure such living conditions as to cause their complete or partial eradication. Among other acts having the characteristics

of genocide is the massive rape of Bosniak women as representatives of the national group by Serbs. Where the rapes resulted in pregnancy the women were prevented from having abortions. Bosniak men were castrated in some Serb concentration camps.

33. Genocide has been committed by common soldiers as well as by commanders. The instigators of genocide are the aggressor's media, its scientific institutions, intellectuals, the governing and opposition parties, and the Serbian Orthodox church.

34. By the aggression against the Republic of Bosnia and Herzegovina, as a national group, Serbs have committed culturecide (destruction of cultural objects having Bosniak characteristics), urbicide (destruction and devastation of Bosniak towns), economicide (disruption of operation of the objects of the economy, stealing the equipment), ecocide (pollution of environment), etc.

35. Among the criminal acts against humanity and international law, the criminal act of war crimes against the civilian population has a special place. All inhuman acts that constitute such war crimes are being considered as planned and organized mainly by Serbs, and partly by Croats. Certainly there are killings of civilians - Bosniaks who are being killed in their homes, in the streets, in front of the shops and at the means of transportation, camps, marketplaces, refuges, etc. Killings have been done severally and massively, as well as killing of the whole family, and very often the civilians were killed in the most cruel manner.

36. According to the present data, over 200,000 Bosniaks, mainly civilians - children, women, old men and exhausted persons - were killed by the aggressor.

37. The crime against peace, established by the Statute of the Nürnberg Tribunal, that is, the aggression against Bosnia and Herzegovina has been committed by the State of Serbia and Montenegro and, in a particular period, by the Republic of Croatia. The aggression has been planned, prepared, started and the war waged by which violation of the rules of the International Convention on Elimination of All Forms of Racial Discrimination has been committed.